



# Federal Register

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Monday,  
May 13, 2002

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Part XXIX

## National Archives and Records Administration

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Semiannual Regulatory Agenda

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

#### 36 CFR Ch. XII

#### Unified Agenda of Federal Regulatory and Deregulatory Actions

**AGENCY:** National Archives and Records Administration.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda announces the proposed regulatory actions that the National Archives and Records

Administration (NARA) plans for the next 12 months and those actions that have been completed since October 2001. This agenda was developed under the guidelines in OMB's Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions, dated February 14, 2002. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory

plans and to participate in the rulemaking process. Some of the regulations listed in the agenda are considered significant under Executive Order 12866, "Regulatory Planning and Review."

#### FOR FURTHER INFORMATION CONTACT:

Nancy Allard, Regulatory Contact, Policy and Communications Staff, (301) 837-1850.

**Dated:** March 15, 2002.

**John W. Carlin,**  
*Archivist of the United States.*

### National Archives and Records Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3281	Expanding Transfer Options for Electronic Records .....	3095-AB03
3282	Nixon Presidential Materials; Reproduction .....	3095-AB07
3283	NARA Facilities; Addresses and Hours .....	3095-AB08
3284	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964 .....	3095-AB09
3285	Revision of NARA Research Room Procedures .....	3095-AB10
3286	Restrictions on the Use of Records .....	3095-AB11
3287	NARA Official Seals .....	3095-AB12
3288	Presidential Records .....	3095-AB13

### National Archives and Records Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3289	Debt Collection .....	3095-AA77
3290	Presidential Library Facilities .....	3095-AA82
3291	National Historical Publications and Records Commission Grant Regulations .....	3095-AA93
3292	Records Disposition .....	3095-AB02
3293	Micrographic Records Management .....	3095-AB06

### National Archives and Records Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3294	Implementation of OMB Circular A-110, Section 36 .....	3095-AA96
3295	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) .....	3095-AB04
3296	Records Management; Electronic Text Documents .....	3095-AB05

### National Archives and Records Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3297	Limitations on Testimony by NARA Employees .....	3095-AA75
3298	Privacy Act .....	3095-AA99
3299	Research Room Procedures .....	3095-AB01

## National Archives and Records Administration (NARA)

## Proposed Rule Stage

**3281. EXPANDING TRANSFER OPTIONS FOR ELECTRONIC RECORDS****Priority:** Other Significant**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR 1228.270**Legal Deadline:** None

**Abstract:** For agencies transferring electronic records to the National Archives of the United States, this rule would add certain magnetic tape cartridges with a storage capacity of up to 40GB to the list of acceptable transfer media. In addition, media-less transfer using File Transfer Protocol and the Internet will be added as an acceptable transfer mechanism.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	
Final Action	09/00/02	
Final Action Effective	10/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 837-1850  
Email: nancy.allard@nara.gov

**RIN:** 3095-AB03**3282. NIXON PRESIDENTIAL MATERIALS; REPRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 44 USC 2111 Note**CFR Citation:** 36 CFR 1275**Legal Deadline:** None

**Abstract:** NARA is updating regulations affecting research use of the Nixon Presidential Materials in NARA custody to reflect a change in the 1996 Nixon Tapes Settlement Agreement. Beginning April 20, 2001, NARA may make available for sale and copying all tape recordings of conversations from the Nixon Presidency that have been released.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/02	67 FR 11632
NPRM Comment Period End	05/14/02	
Final Action	06/00/02	
Final Action Effective	07/00/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Kimberly Richardson, Policy Specialist, National Archives and Records Administration, 4100, 8601 Adelphi Road, College Park, MD  
Phone: 301 837-1850  
Fax: 301 837-0319  
Email: kimberly.richardson@nara.gov

**RIN:** 3095-AB07**3283. NARA FACILITIES; ADDRESSES AND HOURS****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR 1253**Legal Deadline:** None

**Abstract:** NARA is updating addresses and hours of operations for its nationwide facilities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/15/02	67 FR 18146
NPRM Comment Period End	06/14/02	
Final Action	07/00/02	
Final Action Effective	07/00/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Kimberly Richardson, Policy Specialist, National Archives and Records Administration, 4100, 8601 Adelphi Road, College Park, MD  
Phone: 301 837-1850  
Fax: 301 837-0319  
Email: kimberly.richardson@nara.gov

**RIN:** 3095-AB08**3284. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964****Priority:** Other Significant**Legal Authority:** 44 USC 2104(a); 42 USC 2000d to 2000d-7; E.O. 12250**CFR Citation:** 36 CFR 1213**Legal Deadline:** None

**Abstract:** NARA is adopting Governmentwide regulations on nondiscrimination on the grounds of race, color, or national origin in any program or activity receiving Federal financial assistance from NARA. These regulations will affect the National Historical Publications and Records Commission grant program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	
Final Action	03/00/03	
Final Action Effective	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local**Federalism:** Undetermined

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 837-1850  
Email: nancy.allard@nara.gov

**RIN:** 3095-AB09**3285. REVISION OF NARA RESEARCH ROOM PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR 1254**Legal Deadline:** None

**Abstract:** NARA is updating and revising in plain language its regulations concerning use of records and donated historical materials in NARA research rooms.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	
Final Action	04/00/03	
Final Action Effective	05/00/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Jennifer Davis Heaps, Policy Specialist, National Archives

## NARA

## Proposed Rule Stage

and Records Administration, 4100,  
8601 Adelphi Road, College Park, MD  
Phone: 301 837-1850  
Fax: 301 713-7270  
Email: jennifer.heaps@nara.gov

**RIN:** 3095-AB10

### 3286. RESTRICTIONS ON THE USE OF RECORDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 44 USC 2101 to 2118; 22 USC 1461(b)

**CFR Citation:** 36 CFR 1256

**Legal Deadline:** None

**Abstract:** NARA is updating and rewriting in plain language its regulations on statutory and other restrictions on access to archival records and donated historical materials transferred to the National Archives of the United States.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	
Final Action	01/00/03	
Final Action Effective	02/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Jennifer Davis Heaps, Policy Specialist, National Archives and Records Administration, 4100, 8601 Adelphi Road, College Park, MD

Phone: 301 837-1850  
Fax: 301 713-7270  
Email: jennifer.heaps@nara.gov

**RIN:** 3095-AB11

### 3287. NARA OFFICIAL SEALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 44 USC 2104(e); 44 USC 2116(b); 44 USC 2302

**CFR Citation:** 36 CFR 1200

**Legal Deadline:** None

**Abstract:** NARA is reviewing its regulation on its official seals and how they may be used. The regulations will be rewritten in plain language.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	07/00/02	
Final Action	08/00/02	
Final Action Effective	09/00/02	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kimberly Richardson, Policy Specialist, National Archives and Records Administration, Room 4100, 8601 Adelphi Road, College Park, MD 20602-6001  
Phone: 301 837-1850  
Fax: 301 837-0319

Email: kimberly.richardson@nara.gov

**RIN:** 3095-AB12

### 3288. • PRESIDENTIAL RECORDS

**Priority:** Other Significant

**Legal Authority:** 44 USC 2201 to 2207; EO 13233

**CFR Citation:** 36 CFR 1270

**Legal Deadline:** None

**Abstract:** NARA is revising its regulations implementing the Presidential Records Act to reflect the requirements of EO 13233, Further Implementation of the Presidential Records Act.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	
Final Action	08/00/03	
Final Action Effective	09/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Gary M. Stern, General Counsel, National Archives and Records Administration, Room 3110, 8601 Adelphi Road, College Park, MD 20740  
Phone: 301 837-1750

**RIN:** 3095-AB13

## National Archives and Records Administration (NARA)

## Final Rule Stage

### 3289. DEBT COLLECTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5514; 31 USC 3701 to 3719

**CFR Citation:** 36 CFR 1201

**Legal Deadline:** None

**Abstract:** This regulation will establish NARA's policies and procedures for implementing the Debt Collection Improvement Act of 1996. It provides for the collection, compromise, or termination of debts owed to the United States and NARA by adopting the Federal Claims Collection Standards promulgated by the Department of the Treasury and Department of Justice.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/02	
Interim Final Rule Effective	06/00/02	
Interim Final Rule Comment Period End	07/00/02	
Final Action	07/00/02	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Christopher M. Runkel, Deputy General Counsel, National Archives and Records Administration, Room 3110, NGC, 8601

Adelphi Road, College Park, MD 20740-6001

Phone: 301 837-1750

Fax: 301 837-0293

Email: christopher.runkel@nara.gov

**Related RIN:** Merged With 3095-AA76

**RIN:** 3095-AA77

### 3290. PRESIDENTIAL LIBRARY FACILITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 44 USC 2104(a); 44 USC 2112

**CFR Citation:** 36 CFR 1281

**Legal Deadline:** None

## NARA

## Final Rule Stage

**Abstract:** NARA is issuing regulations relating to the acceptance of a Presidential library facility by the Archivist of the United States from a non-Federal group or institution. The regulations will address requirements in the Presidential Libraries Act of 1986 for architectural and design standards, certifications, and reporting to Congress.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/98	63 FR 45203
NPRM Comment Period End	10/26/98	
Final Action	08/00/02	
Final Action Effective	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 837-1850  
Email: nancy.allard@nara.gov

**RIN:** 3095-AA82

### 3291. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANT REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 44 USC 2104(a); 44 USC 2504

**CFR Citation:** 36 CFR 1206

**Legal Deadline:** None

**Abstract:** NARA intends to rewrite the regulations into plain language and to make other updates and clarifications.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/02	67 FR 5542
NPRM Comment Period End	04/08/02	
Final Action	05/00/02	
Final Action Effective	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local, Tribal

**Federalism:** Undetermined

**Agency Contact:** Nancy Copp, Management and Program Analyst, National Archives and Records Administration, Room 111, NHPRC, 700 Pennsylvania Avenue NW., Washington, DC 20408-0001  
Phone: 202 501-5603  
Fax: 202 501-5601  
Email: nancy.copp@nara.gov

**RIN:** 3095-AA93

### 3292. RECORDS DISPOSITION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 44 USC ch 5; 44 USC ch 21; 44 USC ch 29; 44 USC ch 33

**CFR Citation:** 36 CFR 1228.32; 36 CFR 1228.42; 36 CFR 1228.50; 36 CFR 1228.106; 36 CFR 1232.20; 36 CFR 1232.32; 36 CFR 1220; 36 CFR 1228; 36 CFR 1232; 36 CFR 1234; 36 CFR 1236

**Legal Deadline:** None

**Abstract:** This rule will update the procedures for Federal agencies' submission of printed or published records schedules to NARA; modify the applicability of new General Records Schedule items to records previously scheduled by individual agencies, and make corrections to cross-references.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/01	66 FR 37202
NPRM Comment Period End	09/17/01	

**Changes in Disposition Procedures**

NPRM 07/17/01 (66 FR 37202)  
NPRM Comment Period End 09/17/01  
Final Action 05/00/02  
Final Action Effective 06/00/02

**Technical Corrections**

Final Action 05/16/01 (66 FR 27026)  
Final Action Effective 06/15/01

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 837-1850  
Email: nancy.allard@nara.gov

**RIN:** 3095-AB02

### 3293. MICROGRAPHIC RECORDS MANAGEMENT

**Priority:** Other Significant

**Legal Authority:** 44 USC 2907; 44 USC 3302; 44 USC 3312

**CFR Citation:** 36 CFR 1230

**Legal Deadline:** None

**Abstract:** This rulemaking updates the micrographic industry standards incorporated by reference and rewrites the regulation in plain language.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/01	66 FR 47125
NPRM Comment Period End	11/13/01	
Final Action	05/00/02	
Final Action Effective	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 837-1850  
Email: nancy.allard@nara.gov

Kimberly Richardson, Policy Specialist, National Archives and Records Administration, 4100, 8601 Adelphi Road, College Park, MD  
Phone: 301 837-1850  
Fax: 301 837-0319  
Email: kimberly.richardson@nara.gov

**RIN:** 3095-AB06

## National Archives and Records Administration (NARA)

## Long-Term Actions

**3294. IMPLEMENTATION OF OMB CIRCULAR A-110, SECTION 36****Priority:** Other Significant**Legal Authority:** 5 USC 301**CFR Citation:** 36 CFR 1210**Legal Deadline:** None

**Abstract:** This rule will incorporate the provisions of OMB Circular A-110, section 36, regarding the availability of data produced under an award through the Freedom of Information Act (FOIA) into our NHPRC grants administration regulation at 36 CFR part 1210.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14406
Interim Final Rule Comment Period End	05/15/00	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Federal**Federalism:** Undetermined

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 837-1850  
Email: nancy.allard@nara.gov

**RIN:** 3095-AA96**3295. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)****Priority:** Other Significant**Legal Authority:** 44 USC 2104(a); EO 12549; EO 12698; 31 USC 6101 note**CFR Citation:** 36 CFR 1209; 36 CFR 1211**Legal Deadline:** None

**Abstract:** This rule will modify the Governmentwide nonprocurement common rule for debarment and suspension and the Governmentwide rule implementing the Drug-Free Workplace Act of 1988.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 837-1850

Email: nancy.allard@nara.gov

**RIN:** 3095-AB04**3296. RECORDS MANAGEMENT; ELECTRONIC TEXT DOCUMENTS****Priority:** Other Significant**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR 1234**Legal Deadline:** None

**Abstract:** NARA will seek Federal agency and public comment concerning the management, scheduling and preservation of text documents created in electronic form.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/10/01	66 FR 51740
ANPRM Comment Period End	01/08/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 837-1850  
Email: nancy.allard@nara.gov

**RIN:** 3095-AB05

## National Archives and Records Administration (NARA)

## Completed Actions

**3297. LIMITATIONS ON TESTIMONY BY NARA EMPLOYEES****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1201; 36 CFR 1250; 36 CFR 1254**Completed:**

Reason	Date	FR Cite
Withdrawn	03/14/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Federal

**Agency Contact:** Christopher M. Runkel  
Phone: 301 837-1750  
Fax: 301 837-0293

Email: christopher.runkel@nara.gov

**RIN:** 3095-AA75**3298. PRIVACY ACT****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1202**Completed:**

Reason	Date	FR Cite
Final Action	12/20/01	66 FR 65652
Final Action Effective	01/22/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Allard  
Phone: 301 837-1850

Email: nancy.allard@nara.gov

**RIN:** 3095-AA99**3299. RESEARCH ROOM PROCEDURES****Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1254.6**Completed:**

Reason	Date	FR Cite
Final Action	02/22/02	67 FR 8200
Final Action Effective	03/25/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Nancy Allard  
Phone: 301 837-1850

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**NARA**

**Completed Actions**

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Email: [nancy.allard@nara.gov](mailto:nancy.allard@nara.gov)

**RIN:** 3095-AB01

[FR Doc. 02-7676 Filed 05-10-02; 8:45 am]

**BILLING CODE 7515-01-S**